

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**CRAIG GOULET**

**Plaintiff,**

**v.**

**NEW PENN MOTOR EXPRESS**

**Defendant**

**and**

**TEAMSTERS LOCAL 25**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS**

**Defendant,**

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**CIVIL ACTION  
NO. 04-12577-JLT**

**ANSWER OF TEAMSTERS LOCAL 25,  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

1. This paragraph recites legal characterizations and conclusions requiring no response.
2. The Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph, therefore denied.
3. Admitted.
4. Admitted.
5. Admitted that Craig Goulet has been a member of Teamsters Local 25 since 1987 and has been a member of the International Brotherhood of Teamsters since 1979; otherwise, the Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph.
6. Admitted.

7. Admitted that Mr. Goulet sustained a workplace injury on March 11, 1987 and that Mr. Goulet's employment was terminated; otherwise, the Defendant lacks sufficient information to form a belief as the truth of the allegations contained in this paragraph.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted that the A.P.A. Transport Company ceased operations on or about February 20, 2002.
12. Admitted.
13. Admitted that Mr. Goulet spoke to Steward Doug Francey and indicated that he wanted to be put on the New Penn call list for the Billerica, Massachusetts terminal; otherwise, the Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph.
14. The Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph, therefore denied.
15. Denied.
16. Admitted that Goulet's grievance was presented to the Eastern Region Joint Area Committee; otherwise the document speaks for itself.
17. These documents speak for themselves..
18. Denied.
19. The Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph, therefore denied.
20. Denied.
21. This paragraph recites legal characterizations and conclusions requiring no response.

22. The Defendant lacks sufficient information to form a belief as to the truth of the allegations contained in this paragraph, therefore denied.

**First Affirmative Defense**

Plaintiff's complaint fails to state a claim upon which relief may be granted.

**Second Affirmative Defense**

Local 25 has not acted arbitrarily, capriciously or in bad faith as the Plaintiff's bargaining agent.

**Third Affirmative Defense**

The Defendant is not the legal or proximate cause of the cause of Plaintiff's harm.

**Fourth Affirmative Defense**

The Plaintiff has failed to mitigate damages.

**Fifth Affirmative Defense**

The Plaintiff has failed to exhaust internal union remedies.

**Sixth Affirmative Defense**

The Plaintiff has failed to exhaust administrative remedies.

Respectfully submitted,  
Defendant,  
**International Brotherhood of  
Teamsters, Local 25**  
By its attorneys,

/s/ Matthew E. Dwyer  
Matthew E. Dwyer (BBO# 139840)  
Kathleen A. Pennini (BBO# 654573)  
Dwyer, Duddy and Facklam  
Attorneys at Law, P.C.  
One Center Plaza, Suite 360  
Boston, MA 02108  
617-723-9777

Date: January 14, 2005

**CERTIFICATE OF SERVICE**

I, Matthew E. Dwyer, hereby certify that I sent a copy of the foregoing document with attachments, via first-class mail, to:

Scott Lathrop, Esq.  
Scott A. Lathrop & Associates  
122 Old Ayer Road  
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Nicholas Klinefeldt, Esq.  
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/s/ Matthew E. Dwyer

Matthew E. Dwyer

Dated: January 14, 2005

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